

## **REMARKS**

Claims 28-58 are pending in the above-captioned patent application after this amendment. Claims 1, 6-12, 16, 21-24 and 27 have been rejected. Claims 2-5, 13-15, 17-20, 25 and 26 have been objected to as being dependent upon a rejected base claim.

The Applicants respectfully disagree with the rejection of claims 1, 6-12, 16, 21-24 and 27. However, the Applicants have canceled claims 1-27 without prejudice, and added new claims 28-58 with this amendment for the purpose of expediting the patent application process in a manner consistent with the goals of the Patent Office (65 Fed. Reg. 54603), and/or to clarify what the Applicants regard as the present invention.

Support for new claims 28-58 can be found throughout the originally filed specification. In particular, support for new claims 28-58 can be found in the specification at least in originally filed claims 1-27.

New claim 28 is based on original claim 2 rewritten in independent form. Therefore, because new claim 28 contains only those limitations contained in original claim 2, new claim 28 is not narrower in scope than originally filed claim 2. Original claim 2 was found to contain patentable subject matter. Accordingly, new claim 28 is considered to be in condition for allowance.

New claim 33 is based on original claim 3 rewritten in independent form. Therefore, because new claim 33 contains only those limitations contained in original claim 3, new claim 33 is not narrower in scope than originally filed claim 3. Original claim 3 was found to contain patentable subject matter. Accordingly, new claim 33 is considered to be in condition for allowance.

New claim 34 is based on original claim 4 rewritten in independent form. Therefore, because new claim 34 contains only those limitations contained in original claim 4, new claim 34 is not narrower in scope than originally filed claim 4. Original claim 4 was found to contain patentable subject matter. Accordingly, new claim 34 is considered to be in condition for allowance.

New claim 39 is based on original claim 5 rewritten in independent form. Therefore, because new claim 39 contains only those limitations contained in original claim 5, new claim 39 is not narrower in scope than originally filed claim 5. Original claim 5 was found to contain patentable subject matter. Accordingly, new claim 39 is considered to be in

condition for allowance.

New claim 40 is based on original claim 8 rewritten in independent form, with minor modifications made to overcome the rejections under 35 U.S.C. § 112, second paragraph. Original claim 8 was found to contain patentable subject matter. Accordingly, new claim 40 is considered to be in condition for allowance.

New claim 41 is based on original claim 9 rewritten in independent form, with minor modifications made to overcome the rejections under 35 U.S.C. § 112, second paragraph. Original claim 9 was found to contain patentable subject matter. Accordingly, new claim 41 is considered to be in condition for allowance.

New claim 42 is based on original claim 11 rewritten in independent form, with minor modifications made to correct a typographical error so that the claim is drafted as the Applicants originally intended. Therefore, because new claim 42 contains only those limitations contained in original claim 11, new claim 42 is not narrower in scope than originally filed claim 11. Original claim 11 was found to contain patentable subject matter. Accordingly, new claim 42 is considered to be in condition for allowance.

New claim 43 is based on original claim 13 rewritten in independent form. Therefore, because new claim 43 contains only those limitations contained in original claim 13, new claim 43 is not narrower in scope than originally filed claim 13. Original claim 13 was found to contain patentable subject matter. Accordingly, new claim 43 is considered to be in condition for allowance.

New claim 46 is based on original claim 17 rewritten in independent form. Therefore, because new claim 46 contains only those limitations contained in original claim 17, new claim 46 is not narrower in scope than originally filed claim 17. Original claim 17 was found to contain patentable subject matter. Accordingly, new claim 46 is considered to be in condition for allowance.

New claim 49 is based on original claim 18 rewritten in independent form. Therefore, because new claim 49 contains only those limitations contained in original claim 18, new claim 49 is not narrower in scope than originally filed claim 18. Original claim 18 was found to contain patentable subject matter. Accordingly, new claim 49 is considered to be in condition for allowance.

New claim 50 is based on original claim 19 rewritten in independent form.

Therefore, because new claim 50 contains only those limitations contained in original claim 19, new claim 50 is not narrower in scope than originally filed claim 19. Original claim 19 was found to contain patentable subject matter. Accordingly, new claim 50 is considered to be in condition for allowance.

New claim 53 is based on original claim 20 rewritten in independent form. Therefore, because new claim 53 contains only those limitations contained in original claim 20, new claim 53 is not narrower in scope than originally filed claim 20. Original claim 20 was found to contain patentable subject matter. Accordingly, new claim 53 is considered to be in condition for allowance.

New claim 54 is based on original claim 23 rewritten in independent form, with minor modifications made to overcome the rejections under 35 U.S.C. § 112, second paragraph. Original claim 23 was found to contain patentable subject matter. Accordingly, new claim 54 is considered to be in condition for allowance.

New claim 55 is based on original claim 24 rewritten in independent form, with minor modifications made to overcome the rejections under 35 U.S.C. § 112, second paragraph. Original claim 24 was found to contain patentable subject matter. Accordingly, new claim 55 is considered to be in condition for allowance.

New claim 56 is based on original claim 25 rewritten in independent form. Therefore, because new claim 56 contains only those limitations contained in original claim 25, new claim 56 is not narrower in scope than originally filed claim 25. Original claim 25 was found to contain patentable subject matter. Accordingly, new claim 56 is considered to be in condition for allowance.

No new matter is believed to have been added by this amendment. Reconsideration of the pending application is respectfully requested.

#### **Objection to the Drawings**

The Patent Office has objected to the drawings based on a certain informality. More particularly, the Patent Office has objected to the drawings because the same reference number "50" is used for different parts as illustrated in Figure 4A. In response, the Applicants have provided a replacement drawing for Figure 4A wherein the first, or top, reference number "50" has been replaced by the appropriate reference number "52" for

the part in question. Accordingly, the Applicants respectfully submit that the objection to the drawings has been overcome.

### **Objection to the Specification**

The Examiner has objected to the specification based on a certain informality. More particularly, the specification is objected to because at page 10, line 11, the citation to "rotator 50" should be written as "rotator 52". In response, the Applicants have made the correction as suggested by the Examiner. Accordingly, the Applicants respectfully submit that the objection to the specification has been overcome.

### **Allowable Subject Matter**

The Patent Office provided that claims 2-5, 13-15, 17-20, 25 and 26 were objected to, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Additionally, the Patent Office provided that claims 8, 9, 11, 23, 24 and 27 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, as discussed more fully below, and to include all of the limitations of the base claim and any intervening claims.

As stated above, new claim 28 is based on original claim 2 rewritten in independent form. Original claim 2 was found to contain patentable subject matter. Accordingly, new claim 28 is considered to be patentable. Because new claims 29-32 depend directly from new claim 28, they are also considered to be patentable.

Additionally, as stated above, new claim 33 is based on original claim 3 rewritten in independent form. Original claim 3 was found to contain patentable subject matter. Accordingly, new claim 33 is considered to be patentable.

Further, as stated above, new claim 34 is based on original claim 4 rewritten in independent form. Original claim 4 was found to contain patentable subject matter. Accordingly, new claim 34 is considered to be patentable. Because new claims 35-38 depend directly from new claim 34, they are also considered to be patentable.

Additionally, as stated above, new claim 39 is based on original claim 5 rewritten in independent form. Original claim 5 was found to contain patentable subject matter. Accordingly, new claim 39 is considered to be patentable.

Still further, as stated above, new claim 40 is based on original claim 8 rewritten in independent form, with minor modifications made to overcome the rejections under 35 U.S.C. § 112, second paragraph. Original claim 8 was found to contain patentable subject matter. Accordingly, new claim 40 is considered to be patentable.

Additionally, as stated above, new claim 41 is based on original claim 9 rewritten in independent form, with minor modifications made to overcome the rejections under 35 U.S.C. § 112, second paragraph. Original claim 9 was found to contain patentable subject matter. Accordingly, new claim 41 is considered to be patentable.

Yet further, as stated above, new claim 42 is based on original claim 11 rewritten in independent form, with minor modifications made to correct a typographical error so that the claim is drafted as the Applicants originally intended. Original claim 11 was found to contain patentable subject matter. Accordingly, new claim 42 is considered to be patentable.

Additionally, as stated above, new claim 43 is based on original claim 13 rewritten in independent form. Original claim 13 was found to contain patentable subject matter. Accordingly, new claim 43 is considered to be patentable. Because new claims 44 and 45 depend directly from new claim 43, they are also considered to be patentable. Moreover, new claims 44 and 45 are based on original claims 14 and 15, respectively, which were also found to contain patentable subject matter.

Further, as stated above, new claim 46 is based on original claim 17 rewritten in independent form. Original claim 17 was found to contain patentable subject matter. Accordingly, new claim 46 is considered to be patentable. Because new claims 47 and 48 depend directly from new claim 46, they are also considered to be patentable.

Additionally, as stated above, new claim 49 is based on original claim 18 rewritten in independent form. Original claim 18 was found to contain patentable subject matter. Accordingly, new claim 49 is considered to be patentable.

Yet further, as stated above, new claim 50 is based on original claim 19 rewritten in independent form. Original claim 19 was found to contain patentable subject matter. Accordingly, new claim 50 is considered to be patentable. Because new claims 51 and 52 depend directly from new claim 50, they are also considered to be patentable.

Additionally, as stated above, new claim 53 is based on original claim 20 rewritten

in independent form. Original claim 20 was found to contain patentable subject matter. Accordingly, new claim 53 is considered to be patentable.

Still further, as stated above, new claim 54 is based on original claim 23 rewritten in independent form, with minor modifications made to overcome the rejections under 35 U.S.C. § 112, second paragraph. Original claim 23 was found to contain patentable subject matter. Accordingly, new claim 54 is considered to be patentable.

Additionally, as stated above, new claim 55 is based on original claim 24 rewritten in independent form, with minor modifications made to overcome the rejections under 35 U.S.C. § 112, second paragraph. Original claim 24 was found to contain patentable subject matter. Accordingly, new claim 55 is considered to be patentable.

Still yet further, as stated above, new claim 56 is based on original claim 25 rewritten in independent form. Original claim 25 was found to contain patentable subject matter. Accordingly, new claim 56 is considered to be patentable. Because new claims 57 and 58 depend directly from new claim 56, they are also considered to be patentable. Moreover, new claims 57 and 58 are based on original claims 26 and 27, respectively, which were also found to contain patentable subject matter.

#### **Objection to the Claims**

Claim 12 has been objected to by the Examiner due to a certain informality. The Applicants have canceled claim 12 without prejudice with this amendment. Accordingly, the objection to claim 12 is believed to be moot.

#### **Rejections Under 35 U.S.C. § 112, second paragraph**

Claims 8, 9, 11, 23, 24 and 27 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. More particularly, the Patent Office contends that the use of the phrase "somewhat" renders claims 8, 9, 23 and 24 indefinite because the claims include elements not actually disclosed. Additionally, the Patent Office provides that to provide proper antecedent basis in claim 11, "(t)he stage assembly" should be properly written as "(t)he actuator assembly".

The Applicants have canceled claims 8, 9, 11, 23, 24 and 27 without prejudice with

this amendment. Accordingly, the rejection of claims 8, 9, 11, 23, 24 and 27 under 35 U.S.C. § 112, second paragraph, is believed to be moot.

However, as noted above, new claims 40, 41, 54 and 55 are based on original claims 8, 9, 23 and 24, respectively, with minor modifications made to overcome the rejections under 35 U.S.C. § 112, second paragraph. In new claims 40, 41, 54 and 55, the word "somewhat" has been removed and replaced with the word "substantially". Accordingly, the Applicants respectfully submit that the basis for rejection under § 112, second paragraph has been overcome, and the Applicants respectfully submit that new claims 40, 41, 54 and 55 are now in condition for allowance.

Additionally, as noted above, new claim 42 is based on original claim 11, with minor modifications made to correct a typographical error so that the claim is drafted as the Applicants originally intended. New claim 42 has been rewritten in independent form, therefore there is no longer an issue to provide proper antecedent basis from other claims.

However, it had always been the intention of the Applicants to draft this claim with an "actuator assembly" as opposed to with a "stage assembly". The Applicants have made the appropriate change in new claim 42.

#### **Rejections Under 35 U.S.C. § 102(b)**

Claims 1, 6, 7, 10-12, 16, 21 and 22 are rejected under 35 U.S.C. § 102(b), as being anticipated by U.S. Patent No. 5,882,243 issued to Das et al. The Applicants have canceled claims 1, 6, 7, 10-12, 16, 21 and 22 without prejudice with this amendment. Accordingly, the rejection of claims 1, 6, 7, 10-12, 16, 21 and 22 under 35 U.S.C. § 102(b) is believed to be moot.

### **Conclusion**

In conclusion, the Applicants respectfully assert that claims 28-58 are patentable for the reasons set forth above, and that the application is now in a condition for allowance. Accordingly, an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned at 858-456-1951 for any reason that would advance the instant application to issue.

Dated this the 1<sup>st</sup> day of October, 2004.

Respectfully submitted,



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**In the Drawings:**

Please accept a replacement drawing sheet that is being submitted herewith to provide a corrected Fig. 4A.